

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0219

HOUSE BILL NO. 1034

Introduced by: The Committee on State Affairs at the request of the Office of the State Auditor

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to earnings subject to
2 garnishment.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 21-18-51 be amended to read as follows:

5 21-18-51. The maximum part of the aggregate disposable earnings of ~~an individual~~ a wage
6 earner for any workweek which is subject to garnishment may not exceed the lesser of:

7 (1) Twenty percent of disposable earnings for that week;

8 (2) The amount by which disposable earnings for that week exceed forty times the
9 federal minimum hourly wage prescribed by ~~section 6(a)(1) of the Fair Labor~~
10 ~~Standards Act of 1938, as amended and in effect on September 1, 1997, Pub. L. 95-~~
11 ~~151, 91 Stat. 1245; 29 U.S.C. 206(a)(1) as amended and in effect on July 24, 2009,~~
12 or any equivalent multiple thereof prescribed by regulation by the secretary of labor
13 in case of earnings for any pay period other than a week, in effect at the time the
14 earnings are payable less twenty-five dollars per week for each dependent family
15 member residing with the garnishment debtor other than the garnishment debtor



1 himself or herself.

2 The restrictions of subdivisions (1) and (2) do not apply in the case of any order of any court
3 for the support of any person or any order of any court of bankruptcy under Title 11 of the
4 United States Code.